

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In re	)	
	)	
<b>MARITIME COMMUNICATIONS/LAND</b>	)	EB Docket No. 11-71
<b>MOBILE, LLC</b>	)	File No. EB-09-IH-1751
	)	FRN: 0013587779
Participant in Auction No. 61 and Licensee of	)	
Various Authorizations in the Wireless Radio	)	
Services	)	
	)	
Applicant for Modification of Various	)	Application File Nos. 0004030479,
Authorizations in the Wireless Radio Services	)	0004144435, 0004193028, 0004193328,
	)	0004354053, 0004309872, 0004310060,
Applicant with <b>ENCANA OIL AND GAS (USA),</b>	)	0004314903, 0004315013, 0004430505,
<b>INC.; DUQUESNE LIGHT COMPANY; DCP</b>	)	0004417199, 0004419431, 0004422320,
<b>MIDSTREAM, LP; JACKSON COUNTY</b>	)	0004422329, 0004507921, 0004153701,
<b>RURAL MEMBERSHIP ELECTRIC</b>	)	0004526264, 0004636537,
<b>COOPERATIVE; PUGET SOUND ENERGY,</b>	)	and 0004604962
<b>INC.; ENBRIDGE ENERGY COMPANY,</b>	)	
<b>INC.; INTERSTATE POWER AND LIGHT</b>	)	
<b>COMPANY; WISCONSIN POWER AND</b>	)	
<b>LIGHT COMPANY; DIXIE ELECTRIC</b>	)	
<b>MEMBERSHIP CORPORATION, INC.;</b>	)	
<b>ATLAS PIPELINE – MID CONTINENT, LLC;</b>	)	
<b>DENTON COUNTY ELECTRIC</b>	)	
<b>COOPERATIVE, INC. , DBA COSERV</b>	)	
<b>ELECTRIC; AND SOUTHERN CALIFORNIA</b>	)	
<b>REGIONAL RAIL AUTHORITY</b>	)	
 To: Marlene H. Dortch, Secretary		
Attention: Chief Administrative Law Judge Richard L. Sippel		

**ENFORCEMENT BUREAU'S MOTION TO EXTEND DISCOVERY**

1. On November 28, 2012, the Enforcement Bureau (Bureau) and Maritime Communications/Land Mobile, LLC (Maritime) jointly filed a limited stipulation and proposed a

discovery schedule which reflected an agreed-upon March 1, 2013 discovery deadline.<sup>1</sup> On January 18, 2013, the Bureau served Choctaw Telecommunications, LLC and Choctaw Holdings, LLC (Choctaw) with discovery requests. Arguing that it has only a “limited role in this hearing,” Choctaw refused to provide complete responses to the Bureau’s requests.<sup>2</sup>

2. Because the limited responses that Choctaw did provide to the Bureau’s discovery requests called into question whether Choctaw had met the requirements of the Commission’s rules to intervene and is properly a party to this hearing, the Bureau first requested a prehearing conference on Choctaw’s status.<sup>3</sup> In its Request, the Bureau argued that if the Presiding Judge determines that Choctaw properly intervened and should remain a party to this hearing, Choctaw must respond fully to the Bureau’s relevant discovery requests.

3. On February 25, 2013, the Presiding Judge released a Show Cause Order requiring Choctaw to “show, in accordance with Section 1.223(c) of the Commission’s rules, how its participation will assist the Presiding Judge in the determination of the issues presented in the Hearing Designation Order.”<sup>4</sup> Choctaw’s response to the Show Cause Order is due on February 28, 2013 and any parties who may wish to respond to Choctaw’s response must do so by March 6, 2013.<sup>5</sup>

4. In the Show Cause Order, the Presiding Judge recognized that the Bureau was concerned that the issues concerning the Bureau’s outstanding discovery requests to Choctaw

---

<sup>1</sup> See Limited Joint Stipulations Between Enforcement Bureau And Maritime And Proposed Discovery Schedule, filed on November 28, 2012.

<sup>2</sup> See, e.g., Choctaw’s Objections and Responses to the Enforcement Bureau’s First Set of Interrogatories, served on January 28, 2013, at General Objection No. 2, pp. 2-3 and Choctaw’s Objections to the Enforcement Bureau’s First Set of Requests for Documents, served on January 28, 2013, at General Objection No. 2, p. 3.

<sup>3</sup> See Enforcement Bureau’s Request For A Prehearing Conference On Choctaw’s Party Status, filed on January 31, 2013 (Request). In this Request, the Bureau reserved its right to file a motion to compel Choctaw’s responses to the Bureau’s discovery requests. See Request at fn. 1.

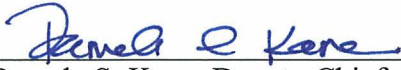
<sup>4</sup> See Order, FCC 13M-2 (ALJ rel. Feb. 25, 2013).

<sup>5</sup> See *id.*

would not be resolved before the March 1, 2013 close of discovery deadline.<sup>6</sup> The Presiding Judge suggested that “[s]uch concerns may easily be alleviated by moving for a limited extension of the discovery period.”<sup>7</sup> Accordingly, the Bureau requests a limited extension of the discovery deadline until such time as the outstanding issues concerning Choctaw’s deficient responses to the Bureau’s discovery requests are resolved and, if necessary, Choctaw has provided the requested information.

5. For the foregoing reasons, the Bureau respectfully asks the Presiding Judge to grant the Bureau’s motion to extend the discovery period.

Respectfully submitted,  
P. Michele Ellison  
Chief, Enforcement Bureau

  
\_\_\_\_\_  
Pamela S. Kane, Deputy Chief  
Investigations and Hearings Division  
Enforcement Bureau

Brian J. Carter  
Attorney  
Investigations and Hearings Division  
Enforcement Bureau

Federal Communications Commission  
445 12th Street SW, Room 4-C330  
Washington, D.C. 20554  
(202) 418-1420

February 28, 2013

---

<sup>6</sup> See *id.*

<sup>7</sup> See *id.*

**CERTIFICATE OF SERVICE**

Makia Day, an Enforcement Analyst in the Enforcement Bureau's Investigations and Hearings Division, certifies that she has on this 28th day of February, 2013, sent by first class United States mail copies of the foregoing "ENFORCEMENT BUREAU'S MOTION TO EXTEND DISCOVERY" to:

The Honorable Richard L. Sippel  
Chief Administrative Law Judge  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554 (by hand, courtesy copy)

Sandra DePriest  
Maritime Communications/Land Mobile LLC  
218 North Lee Street  
Suite 318  
Alexandria, Virginia 22314

Dennis C. Brown  
8124 Cooke Court  
Suite 201  
Manassas, VA 20109  
**Counsel for Maritime Communications/Land Mobile LLC**

Jeffrey L. Sheldon  
Levine, Blaszak, Block & Boothby, LLP  
2001 L Street, NW, Suite 900  
Washington, DC 20036  
**Counsel for Puget Sound Energy, Inc**

Jack Richards  
Wesley Wright  
Keller & Heckman LLP  
1001 G Street, N.W.  
Suite 500 West  
Washington, D.C. 20001  
**Counsel for Atlas Pipeline – Mid Continent LLC; DCP Midstream, LP; Enbridge Energy Co., Inc.; EnCana Oil and Gas (USA), Inc.; and Jackson County Rural Membership Electric Cooperative**

Charles A. Zdebski  
Gerit F. Hull  
Eckert Seamans Cherin & Mellott, LLC  
1717 Pennsylvania Avenue, N.W.  
Washington, D.C. 20006  
**Counsel for Duquesne Light Co.**

Paul J. Feldman  
Harry F. Cole  
Fletcher, Heald & Hildreth, P.L.C.  
1300 N. 17<sup>th</sup> Street – 11<sup>th</sup> Floor  
Arlington, VA 22209  
**Counsel for Southern California Regional Rail Authority**

Matthew J. Plache  
Albert J. Catalano  
Catalano & Plache, PLLC  
3221 M Street, N.W.  
Washington, D.C. 20007  
**Counsel for Dixie Electric Membership Corp.**  
**Counsel for Pinnacle Wireless Corp.**

Robert J. Keller  
Law Offices of Robert J. Keller, P.C.  
P.O. Box 33428  
Washington, D.C. 20033  
**Counsel for Maritime Communications/Land Mobile LLC**

Robert G. Kirk  
Wilkinson Barker Knauer, LLP  
2300 N Street, NW Suite 700  
Washington, DC 20037  
**Counsel for Choctaw Telecommunications, LLC and Choctaw Holdings, LLC**

SkyTel  
c/o ATLIS Wireless LLC  
2509 Stuart Street  
Berkeley, CA 94705  
Attn: J. Stobaugh

  
Makia Day